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 16 Nevada Department of Corrections, William Quenga,  
 17 Brian Williams, James Jones, William Gittere, Calvin  
 18 Johnson, Jeremy Bean, Frank Dreesen, Gary Piccinini,  
 19 and Ronald Oliver*

20  
**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

21 NICHOLAS SNIDER and LAUREN  
 22 SNIDER, individually and as Special  
 23 Administrators of the ESTATE OF ISAIAH  
 24 SHARP, Deceased,

25 Case No.

26 Plaintiffs,

27 **PETITION FOR REMOVAL UNDER 28  
 28 U.S.C. §§1331, 1367, 1441, and 1446**

vs.

29 NEVADA DEPARTMENT OF  
 30 CORRECTIONS; CHARLES DANIELS,  
 31 Director of the Department of Corrections;  
 32 WILLIAM QUENGA, Deputy Director of  
 33 the Department of Corrections; BRIAN  
 34 WILLIAMS, Deputy Director of Operations  
 35 for the Department of Corrections; JAMES  
 36 JONES, Inspector General of the  
 37 Department of Corrections; CALVIN  
 38 JOHNSON, Warden at High Desert State  
 39 Prison; JEREMY BEAN, Associate Warden  
 40 at High Desert State Prison; FRANK  
 41 DREESEN, Associate Warden at High  
 42 Desert State Prison; GARY PICCINI,  
 43 Associate Warden at High Desert State  
 44 Prison; RONALD OLIVER, Associate  
 45 Warden at High Desert Stat Prison; DOE  
 46 OFFENDER MANAGEMENT  
 47 ADMINISTRATOR (“DOE OMA”); DOES I-  
 48 X, inclusive; BLACK AND WHITE

1 COMPANIES I-X inclusive; ABC  
 2 Corporations, I-X, inclusive,  
 3 Defendants.

4 Defendants, Nevada Department of Corrections (“NDOC”), Charles Daniels, William  
 5 Quenga, Brian Williams, James Jones, Calvin Johnson, Jeremy Bean, Frank Dreesen,  
 6 Gary Piccini, and Ronald Oliver (collectively, the “Individual Defendants”), by and through  
 7 counsel, remove the case titled *Nicholas Snider, et al. v. Nevada Department of Corrections,*  
 8 *et al.*, Case No. A-22-854777-C, from Nevada’s Eighth Judicial District to the United States  
 9 District Court for the District of Nevada under 28 U.S.C. §§ 1331, 1367, 1441, and 1446.  
 Copies of all items on the state court docket are attached hereto as Exhibit A.

10 **A. Background**

11 1. Plaintiffs Nicholas and Lauren Snider, acting individually and as  
 12 special administrators of the estate of Isaiah Sharp (collectively, “Snider”), filed their  
 13 complaint in the Eighth Judicial District Court on June 29, 2022.

14 2. Snider filed an amended complaint on July 19, 2022.

15 3. Snider never completed service on NDOC nor the Individual  
 16 Defendants with the complaint or amended complaint.

17 4. Snider filed a second amended complaint on August 19, 2022.<sup>1</sup>

18 5. Snider filed a declaration of service, attesting that the State of Nevada  
 19 was served through the Office of the Nevada Attorney General with a copy of the summons  
 20 and second amended complaint on August 30, 2022.

21 6. The Nevada Office of the Attorney General accepted service of the  
 22 second amended complaint for NDOC and the Individual Defendants on September 13,  
 23 2022.

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24  
 25  
 26  
 27 <sup>1</sup> Snider’s filing of a second amended complaint absent leave of court violates NRCP  
 28 15(a)(1), which permits filing an amended complaint without leave of court only once.  
 However, for administrative ease, Defendants will consent to filing of the second amended  
 complaint and treat it as the operative pleading. See NRCP 15(a)(2).

1           **B. Federal question jurisdiction**

2           7. This Court has subject matter jurisdiction under federal question  
3 jurisdiction under 28 U.S.C. §1331.

4           8. Snider in their second cause of action contend that the decedent, Isaiah  
5 Sharp (“Sharp”), died when NDOC and the Individual Defendants allegedly failed to  
6 protect him from clear and obvious threats from a known, violent inmate who killed Sharp  
7 in violation of the Eight and Fourteenth Amendments to the United States Constitution.

8           **C. Supplemental jurisdiction**

9           9. This Court has supplemental jurisdiction under 28 U.S.C. §1337(a).

10          10. Plaintiff’s first cause of action, negligence, and third cause of action,  
11 violation of rights guaranteed by Nevada’s constitution, arise from the same common  
12 nucleus of operative facts as Snider’s failure to protect 42 U.S.C. §1983 claim.

13          11. Like Snider’s claim under 42 U.S.C. §1983, Snider contends under state  
14 tort and constitutional law that NDOC and the Individual Defendants breached a duty to  
15 protect Sharp from a known, violent inmate who murdered him.

16          **D. All procedural requirements for removal have been met**

17          12. Venue is proper in this court, as this is the court for the district and  
18 division embracing the place where the action is pending in state court. 28 U.S.C. § 1441(a).

19          13. NDOC and the Individual Defendants’ petition for removal is timely.  
20 The time for removal does not start until completion of service of the summons and  
21 complaint. *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999).  
22 Snider never served their complaint or amended complaint. This petition for removal has  
23 been filed within thirty (30) days of the Office of the Attorney General’s acceptance of  
24 service for NDOC and the Individual Defendants of the second amended complaint on  
25 September 13, 2022. See 28 U.S.C. § 1446(b)(1).

26          14. Upon information and belief, Doe Offender Management  
27 Administrator, Does I-X, Black and White Companies I-X, and ABC Corporations have not  
28 been served, and therefore, their consent is not required. 28 U.S.C. §1441(a); *Salveson v.*

<sup>1</sup> *Western States Bankcard Ass'n*, 731 F.2d 1423, 1428 (9th Cir. 1984), overruled on other grounds by *Ethridge v. Harbor House Restaurant*, 861 F.2d 1389 (9th Cir. 1988).

3               15. Removal is unanimous. NDOC and the Individual Defendants are  
4 represented by the Office of the Nevada Attorney General and they have consented to this  
5 petition for removal. 28 U.S.C. §1446(b)(2)(A). 28 U.S.C. § 1446(b)(2)(A).

## E. Conclusion

7               16. By this petition for removal and attachments, NDOC and the  
8 Individual Defendants do not waive any objections or defenses they may have to this action.  
9 NDOC and the Individual Defendants intend no admission of fact, law, or liability by this  
10 petition, and expressly reserve all defenses, motions, and/or pleas.

DATED this 12th day of October 2022.

AARON D. FORD  
Attorney General

By: */s/ Steve Shevorski*  
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D. Randall Gilmer (Bar No. 14001)  
Chief Deputy Attorney General

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Quenga, Brian Williams, James Jones, William  
Gittere, Calvin Johnson, Jeremy Bean, Frank  
Dreesen, Gary Piccinini, and Ronald Oliver*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court by using the electronic filing system on the 12th day of October 2022.

I further certify that I emailed and sent by United States Mail the foregoing to the following counsel of record:

Leah Ronhaar, Esq.  
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*/s/ Sunny Southworth*